

Applicants: David Bebbington, et al.  
Application No.: 10/775,699

### REMARKS

#### The Claim Amendments

Applicants have amended claim 1 to delete the term "prodrug." Applicants have amended claims 1, 12 and 13 to remove the variable L and its definition.

Applicants have canceled method claims 17-34.

None of these amendments adds new matter.

#### The Response

##### 35 U.S.C. §112, First Paragraph

The Examiner has rejected claims 17-19, 24, 25, 30, 31, and 34 under 35 U.S.C. 112, first paragraph because the specification, "while being enabling for a method of lowering blood level glucose (or treating diabetes) by enhancing glycogen synthase, does not reasonably provide enablement for a method of treating many diseases that are allegedly related to Aurora-2, GSK-3, Tau protein, or  $\beta$ -catenin." Applicants have canceled claims 17-19, 24, 25, 30, 31, and 34 thus obviating these rejection.

##### 35 U.S.C. §112, Second Paragraph

The Examiner has rejected claims 1, 8-19, 24, 25, and 29-34 under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants traverse each rejection by paragraph number below.

##### Paragraph a

The Examiner contends that the limitation "prodrug" in claim 1 and wherever it appears has indefinite metes and bounds. Applicants have amended claim 1 to delete the term "prodrug."

##### Paragraph b

The Examiner contends that claim 1 recites variable L and its definition even though it appears that variable L does not have a relationship with formula II. Applicants have amended claims 1, 12, and 13 to delete variable L and its definition.

Applicants: David Bebbington, et al.  
Application No.: 10/775,699

Paragraph c

The Examiner contends that claim 17 is indefinite because it is not clear if a diagnostic method is intended, or an analytical bioassay. Applicants have canceled claim 17, thus obviating this rejection.

Paragraphs d-g

The Examiner contends that claims 18-19, 24-25, and 30-31 are indefinite because it is not clear what diseases are being treated. Applicants have canceled claims 18-19, 24-25, and 30-31, thus obviating this rejection.

Paragraph h

The Examiner contends that claims 8-19, 24-25, and 29-34 are also indefinite "for being (ultimately) dependent on claim 1" and thus recites indefinite limitations (see above). Applicants have amended claim 1 to overcome the Examiner's claim 1 rejections and have canceled claims 17-19, 24-25, and 29-34, thus obviating these rejections.

For all of the above reasons, applicants request that the Examiner withdraw these §112, second paragraph rejections.

CONCLUSION

Applicants request that the Examiner enter the above amendments, consider the foregoing remarks, and allow the pending claims to issue.

If the Examiner believes that a telephone discussion would further issuance of this application, the Examiner is invited to call the attorney or agent at any time.

Respectfully submitted,



Jennifer G. Che (Reg. No. 58,035)  
Agent for Applicants  
Lisa A. Dixon (Reg. No. 40,995)  
Attorney for Applicants  
c/o Vertex Pharmaceuticals Incorporated  
130 Waverly Street  
Cambridge, Massachusetts 02139  
Tel: (617) 444-6525  
Fax: (617) 444-6483